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In re Application of:	:	
SCHEIRS, John, et al.	:	DECISION
Application No: 10/828,504	:	
Filing Date: 21 April 2004	:	
Attorney's Docket No.: 743414-15	:	
For: LAMINATED GLASS	:	

This decision is issued in response to the "Request For Retaining Application Under 37 CFR 1.21(l) filed on 20 April 2005. The submission included the \$130 retention fee.

### **BACKGROUND**

On 21 April 2004 applicants filed the present U.S. nonprovisional application under 35 U.S.C. 111(a). The Application Data Sheet (ADS) filed with the application identified the application as a continuation in part of international application PCT/AU03/01399.

On 20 April 2005, applicants filed the request considered herein. The request asks that the United States Patent And Trademark Office (USPTO) retain the parent international application, PCT/AU03/01399.

### **DISCUSSION**

37 CFR 1.21(l) sets forth the fee for "processing and retaining any application abandoned pursuant to § 1.53(f), unless the basic filing fee (§ 1.16) has been paid." 37 CFR 1.53(f), by its express terms, pertains only to U.S. nonprovisional applications. These rules do not apply to an international application. Accordingly, applicants' request for the USPTO to retain international application PCT/AU03/01399 is not properly granted.

It is noted that PCT Rule 93.1 requires the receiving Office to retain the records pertaining to an international application for at least 10 years from the international filing date, and that PCT Rule 93.2 requires the International Bureau to keep the international application file for at least 30 years from the date of receipt of the record copy.

### **CONCLUSION**

The request for retention under 37 CFR 1.21(l) is **DISMISSED** without prejudice.

Because 37 CFR 1.21(l) is not applicable in the present circumstances, the \$130 retention fee submitted by applicants will be refunded to Deposit Account No. 19-2380.

A handwritten signature in black ink, appearing to read 'RM Ross', with a stylized flourish at the end.

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